

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 019404-001400US	
I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on <u>April 28, 2008</u> . TOWNSEND and TOWNSEND and CREW LLP By: <u>/Janet L. Newmaker/</u> Janet L. Newmaker		Application Number 10/748,442	Filed December 29, 2003
		First Named Inventor Bennett Cookson Jr. et al.	
		Art Unit 2163	Examiner Marie G. Cabucos
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>42,358</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____ </div> <div style="width: 45%; text-align: right;"> <u>/Irvin E. Branch/</u> _____ Signature Irvin E. Branch _____ Typed or printed name <u>303-571-4000</u> _____ Telephone number <u>April 28, 2008</u> _____ Date </div> </div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<input checked="" type="checkbox"/> *Total of <u>1</u> form is submitted.			

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PATENT
Attorney Docket No.: 019404-001400US

TOWNSEND and TOWNSEND and CREW LLP

By: /Janet L. Newmaker/
Janet L. Newmaker

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Bennett Cookson Jr. et al.

Application No.: 10/748,442

Filed: December 29, 2003

For: Providing Alternatives Within
A Family Tree Systems And
Methods

Customer No.: 20350

Confirmation No.: 2385

Examiner: Marie G. Cabucos

Art Unit: 2163

PRE-APPEAL BRIEF
REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants request review of the final rejection for the above-identified application. A response after final was filed on February 26, 2008. No amendments to the claims are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reasons stated herein.

REMARKS/ARGUMENTS

Claims 1, 2, 11 and 12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the cited portions of U.S. Patent Publication No. 2005/0114364 to Tebbs et al. (“Tebbs”).

Claims 3-10 and 13-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tebbs in view of the cited portions of U.S. Patent Publication No. 2004/0083226 to Eaton (“Eaton”).

Rejections Under 35 U.S.C. § 102

The Applicants respectfully request review of the rejection of all pending claims. The cited references do not teach or suggest all claim elements. Claim 1, for example, recites, in part, “wherein the records indicate multiple alternatives for at least one person of the family tree, and wherein the records comprise correlated records having been subjected to one of an individual correlation process and a relationship correlation process to thereby determine a likelihood that two or more of the records represent the at least one person.” The cited references do not teach or suggest records indicating multiple alternatives for at least one person.

Tebbs is cited for teaching the element quoted above, but Tebbs does not teach multiple alternative records for at least one person. Tebbs appears to teach a system and methods to “quantify the quality of genealogical data.” (See Tebbs, ¶[0025].) Fig. 4, in particular, depicts a record for an individual having multiple layers of attributes (i.e., “pieces of information associated with an individual”; ¶[0027]). Tebbs teaches a method wherein users may rate the quality of the information presented for an individual, but Tebbs does not teach “records [that] indicate multiple alternatives for at least one person of the family tree” as recited in claim 1.

Moreover, while Tebbs appears to teach a rating system for genealogical data, Tebbs does not teach either an individual correlation process or a relationship correlation process that “determine a likelihood that two or more of the records represent the at least one person.”

Hence, for at least the foregoing reasons, claim 1 is believed to be allowable. Claim 11 includes similar elements and is believed to be allowable, at least for similar reasons.

Rejections Under 35 U.S.C. § 103

The remaining claims depend from one of the independent claims discussed above and are believed to be allowable for reasons similar to those discussed above.

Claim 19 is believed to be allowable for the additional reason that neither Tebbs nor Eaton teaches or suggests “providing an opportunity for the user to select among the alternatives; . . . thereafter, receiving additional genealogy data that creates new alternatives in the family tree; and notifying the user of the new alternatives, wherein notifying the user comprises sending the user a file comprising the family tree, wherein the file includes a new alternatives symbol.” As discussed above, Tebbs does not teach alternatives for individuals, although Tebbs appears to teach a rating system for data relating to a particular individual. Eaton does not cure the deficiency. Eaton appears to teach methods for improving the efficiency of downloading, but is specifically limited to structures in which only different individuals are represented. (See Eaton, ¶[0041].) Hence, neither Eaton nor Tebbs teaches or suggests the elements quoted above. Hence, claim 20 is believed to be allowable, at least for this additional reason.

Conclusion

In view of the foregoing, the Applicants respectfully request withdrawal of the rejections and issuance of a formal Notice of Allowance.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Date: April 28, 2008

/Irvin E. Branch/

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